

SURFACE TRANSPORTATION BOARD

Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

December 27, 2002

Ms. Kathryn A. Kusske
Mayer Brown Rowe & Maw
1909 K Street, NW
Washington, DC 20006-1101

Re: STB Finance Docket 34305, The Burlington Northern And Santa Fe Railway
Company - Construction and Operation Exemption - In Merced County, California

Dear Ms. Kusske:

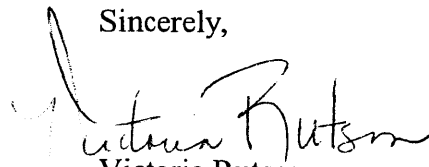
The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is approving, under 49 CFR 1105.10(d), Myra L. Frank & Associates, Inc. as the independent third-party consultant for the above-cited proceeding. Myra L. Frank & Associates will assist the Board in preparing the appropriate environmental document in connection with The Burlington Northern & Santa Fe Railway Company's (BNSF or applicant) prospective exemption petition to construct and operate approximately 850 feet of rail line in Merced County, California.

We have attached a disclosure statement that you should forward to Myra L. Frank & Associates to complete and return to us. As we previously discussed, SEA will direct, supervise, review, and approve all environmental documents prepared by the independent third-party consultant in this proceeding.

At a December 17, 2002 meeting with Sarah Bailiff and Larry Ruple of BNSF, we provided a copy of a Memorandum of Understanding (MOU) which outlines the responsibilities of the applicant, the consultant and SEA. The MOU should be signed by the applicant, forwarded to Myra L. Frank & Associates for signature, and returned to SEA. The purpose of the MOU is to establish an understanding between the applicant, the consultant and SEA regarding the conditions and procedures each party must follow in preparing all environmental documentation.

If we can be of further assistance, please contact Dave Navecky of my staff at 202-565-1593.

Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosure (1)

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DISCLOSURE STATEMENT

On behalf of Myra L. Frank & Associates, Inc., I certify that I have no financial or other interests in the outcome of the prospective petition in STB Finance Docket 34305, The Burlington Northern & Santa Fe Railway Company - Construction and Operation Exemption - In Merced County, California.

Signed: _____

Myra L. Frank
Principal

Date: _____